

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
August 24, 2005**

The Board of Supervisors of Maricopa County, Arizona convened in Formal Session at 9:00 a.m., August 24, 2005, in the Board of Supervisors' Conference Room, 301 W. Jefferson-10<sup>th</sup> Floor, Phoenix, Arizona, with the following members present: Max W. Wilson, Chairman, District 4; Don Stapley, Vice Chairman, District 2, Andrew Kunasek, District 3, and Mary Rose Wilcox, District 5. Absent: Fulton Brock, District 1 Also present: Lori Pacini, Deputy Clerk of the Board; Juanita Garza, Minutes Coordinator; David Smith, County Manager; and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: aye-nay-absent-abstain.

**INVOCATION**

James Candland, Board of Supervisors, District 2, delivered the invocation.

**PLEDGE OF ALLEGIANCE**

Susan Schuerman, Board of Supervisors, District 2, led the assemblage in the Pledge of Allegiance.

**LIQUOR LICENSE APPLICATIONS**

Chairman Wilson called for a public hearing on liquor license applications a) through e) as outlined below. No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Wilcox and seconded by Supervisor Kunasek to recommend approval of the following liquor license applications:

- a. Application filed by Reza Amirrezvani for an Original Series 10 Liquor License: (LL6153)

Business Name: Super Star Car Wash  
Location: 1615 N. 99<sup>th</sup> Avenue, Tolleson, 85037

- b. Application filed by Joseph F. Riley for a Special Event Liquor License: (F23164) (SELL684)

Business Name: Men's Club of Our Lady of Lourdes Parish  
Location: 14818 W. Deer Valley Drive, Sun City West 85375  
Date/Time: September 6, 2005; 5:00 p.m. – 9:00 p.m.

- c. Application filed by Donald Rogers for a Special Event Liquor License: (F23164) (SELL685)

Business Name: Knights of Columbus Council #11809  
Location: 14818 W. Deer Valley Drive, Sun City West 85375  
Date/Time: September 3, 2005; 4:30 p.m. – 11:00 p.m.

- d. Application filed by Randal Daver for a Special Event Liquor License: (F23164) (SELL687)

Business Name: Speed World R/C Flyers  
Location: 19421 W. Jomax Road, Wittman, 85361  
Date/Time: September 10, 2005; 8:00 p.m. – 12:00 a.m.

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- e. Application filed by Sonia Zapata for an Original Series 10 Liquor License: (LL6152)

Business Name:	La Casa de Villa Mexican Food, LLC
Location:	711 E. Carefree Highway, #160, Phoenix, 85085

This item was continued from the August 10, 2005 Formal Board meeting.

Motion carried unanimously (4-0-1) with Supervisors Wilson, Stapley, Kunasek and Wilcox voting "aye." (Supervisor Brock was absent.)

**ADDITION TO THE FLEET AND PURCHASE OF VAN FOR COURIER SERVICES**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve an addition to the county fleet and the purchase of one mini-cargo van at a cost not-to-exceed \$24,000, to provide the Clerk of the Superior Court courier services to the Northeast Regional Court Complex. The funds for the purchase and operating costs are within the Clerk of the Superior Court's FY 2005-06 General Fund (100) budget. (C1606002M00) (ADM3104)

**FEDERAL ANNUAL CERTIFICATION REPORT**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the FY 2004-05 Federal Annual Certification Report, which accounts for federal equitable sharing funds received from the Department of the Treasury or the Department of Justice. The Federal Annual Certification reports revenue and expenditures through June 30, 2005. Treasury funds are tracked separately from Justice funds. (C1906010000) (ADM400)

**FEDERAL EQUITABLE SHARING AGREEMENT**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve a Federal Equitable Sharing Agreement. The Federal Equitable Sharing Agreement will be valid through September 30, 2008. (C1906011000) (ADM400)

**SOLE SOURCE WITH NORTHROP GRUMMAN FOR SOFTWARE MAINTENANCE, PROGRAMMING AND SUPPORT**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve a sole source for software maintenance, programming and support with Northrop Grumman, also known as NGIT Public Safety Incorporated (formerly known as PRC Public Sector, Inc.). This vendor provides software maintenance and support for the Maricopa County Sheriff's Office computer-aided dispatch system and will provide required significant programming upgrades this fiscal year. The total value of this sole source is \$55,000 per year for the next four years, or a total of \$220,000. The software and its source code are proprietary to NGIT, also the sole provider of maintenance for the system. The maintenance requirement has been advertised in accordance with the county's sole source procurement procedures. (C5006011M00)

**GRANT FROM ARIZONA DEPARTMENT OF EDUCATION FOR 2006 IDEA BASIC ENTITLEMENT PROGRAM**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve acceptance of \$35,543.00 in continued grant funding from the Arizona Department of

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Education for the 2006 IDEA Basic Entitlement program. This funding provides a variety of contracted services, including special education consulting services for staff training, IDEA implementation, and professional therapist service for juvenile inmates. This is a reimbursement grant. The term of this award is July 1, 2005 through June 30, 2006. The Sheriff's Office indirect cost rate for FY 2005-06 is \$6,113.36 or 17.2%. The recoverable indirect costs, capped at 5%, are \$1,692.51. The unrecoverable indirect costs are \$4,420.85. (C5006507300)

**CONTRACT AND GRANT FROM GOHS FOR OVERTIME ASSIGNMENTS**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve a Highway Safety Contract and acceptance of \$6,000 in grant funding from the Governor's Office of Highway Safety (GOHS), DUI Task Force Enforcement. This is a reimbursement grant. The term of this contract is August 1, 2005 through January 2, 2006. The Sheriff's Office indirect cost rate for FY 2005-06 is 17.2%. Unrecoverable indirect costs associated with this grant are estimated to be \$1,032. Authorization to accept this grant will provide funding for deputies to work in an overtime capacity on assignments involving DUI enforcement in the east valley. These deputies will be paid at overtime rates. (C5006508300)

**NAME DESIGNATION FOR THE JUSTICE COURTS**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the naming of the Justice Courts according to a recognizable community or landmark within the precinct and according to the regional courthouse in which these courts shall be located. The Justice Courts shall be renamed according to a primary recognizable community or landmark within the precinct boundaries. In an effort to give the public a clear indication of where county region specific courts are located, the name will include a suffix indicating the regional courthouse name. The names of the current Justice Courts shall be changed in accordance with the Board's approval and may be deferred until the court is moved to the new regional facility. The following names are submitted for the Maricopa County Northeast and Northwest Regional Centers:

- o From Scottsdale to McDowell Mountain Justice Court at the Northeast Regional Court Center,
- o From Northwest to Moon Valley Justice Court at the Northeast Regional Court Center,
- o From Northeast to Dreamy Draw Justice Court at the Northeast Regional Court Center,
- o From Peoria to Lake Pleasant Justice Court at the Northwest Regional Court Center,
- o From Wickenburg to Hassayampa Justice Court at the Northwest Regional Court Center (The Hassayampa Justice Court will continue to hear cases in their current Wickenburg location two days per week),
- o From Glendale to Manistee Justice Court at the Northwest Regional Court Center, and
- o From North Valley to North Valley Justice Court at the Northwest Regional Court Center.

This item was continued from the August 10, 2005 Formal Board meeting. (C3805031700) (ADM1203) (ADM631-001)

**APPLY FOR GRIC GAMING FUNDS FOR FLORENCE CRITTENTON GROUP HOME**

Motion was made by Supervisor Stapley, seconded Supervisor Wilcox, and unanimously carried (4-0-1) to:

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- Authorize the Maricopa County Manager's Office to apply to the Gila River Indian Community (GRIC) for Proposition 202 Indian Gaming Funds in the amount of \$50,000 in FY 2005-06, \$50,000 in FY 2006-07, and \$50,000 in FY 2007-08, for a three-year total of \$150,000, and
- Authorize the Chairman of the Maricopa County Board of Supervisors to sign the resolution and grant application; approve the grant funds if awarded; and authorize the pass-through of these funds to Florence Crittenton Group Home, a non-profit organization. This action will require an appropriation adjustment, increasing the General Government Grant Fund (249) FY 2005-06 revenue and expenditure budgets by \$50,000. The FY 2006-07 and FY 2007-08 grant budgets will be budgeted for accordingly. Maricopa County will act as the pass-through agency for Florence Crittenton and will pass-through the entire amount of the grant over the three fiscal years. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditure of these revenues is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board of Supervisors pursuant to A.R.S. §42-17105. The grant award period is from the date of award to June 30, 2006. (C2006002300)

**RESOLUTION**

**BE IT RESOLVED** BY THE CHAIRMAN AND BOARD OF SUPERVISORS OF MARICOPA COUNTY, MARICOPA, ARIZONA AS FOLLOWS:

**Section 1.** The Maricopa County Manager's Office is hereby authorized to submit a Grant Request letter(s) to the Gila River Indian Community for Proposition 202 Indian Gaming Funds in the amount of \$50,000 in FY 2005-06, \$50,000 in FY 2006-07, and \$50,000 in FY 2007-08 for a three year total of \$150,000.

**Section 2.** The Maricopa County Manager's Office is hereby authorized to accept grant funds from the Gila River Indian Community and to pass-through these funds to Florence Crittenton Group Home, a non-profit organization.

**Section 3.** The Chairman of the Maricopa County Board of Supervisors is hereby authorized to execute said grant letter(s)/application(s), and necessary acceptance documentation.

**DATED** this 24<sup>th</sup> day of August 2005.

/s/ Max W. Wilson, Chairman of the Board

ATTEST:

/s/ Fran McCarroll, Clerk of the Board

**APPLY FOR GRIC GAMING FUNDS FOR NFWSC**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to:

- Authorize the Maricopa County Manager's Office via a Partnership Resolution between Maricopa County and the National Farm Workers Service Center, Inc. (NFWSC), to apply for Gila River Indian Community (GRIC) Indian Gaming Funds in the amount of \$175,000 in FY 2005-06 and \$175,000 in FY 2006-07, for a two-year total of \$350,000, and

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- Authorize the Chairman of the Maricopa County Board of Supervisors to sign the grant application; approve the grant funds if awarded; approve the resolutions; and authorize the County Manager's Office to pass-through the funds to the NFWSC, a non-profit housing developer. This action will require an appropriation adjustment increasing the FY 2005-06 revenue and expenditure budgets by \$175,000, and the creation of a new line item in General Government (470) General Government Grant Fund (249) Miscellaneous Revenue (4711) entitled "NFWSC-Gila River Indian Community." The FY 2006-07 grant budgets will be budgeted for accordingly. Maricopa County will act as the pass-through agency for NFWSC and will pass-through the entire amount of the grant over the two fiscal years. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditure of these revenues is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. The grant award period is from the date of award to June 30, 2007. (C2006006300)

Supervisor Kunasek suggested that with the increasing number of requests where the County serves as a pass-through for grant recipients, a prepared format should be in place for non-profit organizations seeking grant funds won't have to repeat the process each time.

**RESOLUTION**

**WHEREAS**, Maricopa County is desirous of undertaking activities that will benefit the general public; and

**WHEREAS**, the Gila River Indian Community, through their State-Shared Revenue Program, provides funds to cities, towns, and counties for government services that benefit the general public concentrating on the areas of public safety, transportation, health care, economic development and education; and

**WHEREAS**, the National Farm Workers Service Center, Inc., is proposing to complete essential rehabilitation and renovation activities at Glenbrook Terrace, and affordable housing development located in Phoenix, Arizona, and the activities with this proposal address one or more of the priority funding areas, and

**NOW, THEREFORE, BE IT RESOLVED THAT** the Maricopa County Board of Supervisors hereby approves the submission of and application for Gila River Indian Community State-Shared Revenue Program Funds.

**BE IT FURTHER RESOLVED THAT** Maricopa County agrees to comply with all appropriate procedures, guidelines, and requirements established by the Gila River Indian Community.

**BE IT FINALLY RESOLVED THAT** the Chairman of the Maricopa County Board of Supervisors is hereby authorized to execute said grant letter(s)/application(s), and necessary acceptance documentation.

**DATED** this 24<sup>th</sup> day of August 2005.

/s/ Max W. Wilson, Chairman of the Board

**ATTEST:**

/s/ Fran McCarroll, Clerk of the Board

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**SOLE-SOURCE PROCUREMENT WITH MDE FOR INFORMATION TECHNOLOGY SERVICES**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve a sole-source procurement of information technology consulting services from Medical Data Express (MDE), for the purpose of providing services in connection with the OAO encounter/reinsurance submission process, and with other information technology needs of Maricopa Managed Care System (MMCS). The use of MDE is expected to result in avoidance of further AHCCCS sanctions and significant recoupment of reinsurance funds. The contract is effective upon Board of Supervisors' approval for an initial term through June 30, 2006, with one additional one-year renewal option with a not-to-exceed amount of \$300,000. The contract may be terminated upon 30 days written notice and services may be discontinued at any time upon order from MMCS. (C6006001100)

**PERSONNEL AGENDAS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve Maricopa County (Exhibit A) and Judicial Branch (Exhibit B) Personnel Agendas. Exhibits A and B will be found at the end of this set of minutes. The Deputy Clerk announced an amendment page was added to the personnel agenda.

**SOLE SOURCE CONTRACT WITH PATHLORE FOR LEARNING MANAGEMENT SYSTEM**

Pursuant to A.R.S. §42-17106, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to execute a sole source contract with Pathlore and approve the transfer of \$175,729 from Appropriated Fund Balance (480) General Fund (100) Reserved Contingency (4811) "Technology Projects" to new line item in Appropriated Fund Balance (480) General Fund (100) Technology Projects (4814) called "Pathlore Renewal". Pathlore provides Maricopa County with software licenses and support for its Learning Management System (LMS). LMS is the Maricopa County's application for tracking employee training. Maricopa County has been using Pathlore's LMS since September 2000; LMS is a proprietary product from Pathlore and has been integrated into Maricopa County's PeopleSoft Human Resources System. This sole source has been advertised in accordance with the Maricopa County Procurement Code and Sole Source Procedures. The cost for this contract is \$175,729 and covers three fiscal years. (C3106001100)

**EXEMPTION TO TECHNOLOGY FINANCE PROGRAM FOR PATHLORE LMS SERVERS**

Pursuant to A.R.S. §14-17106, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to:

- Approve an exemption to the Technology Finance Program to allow Maricopa County Human Resources to purchase three servers at a cost of \$45,281, and
- Approve the transfer of \$45,821 from Appropriated Fund Balance (480) General Fund (100) Reserved Contingency (4811) "Technology Projects" to a new line in Appropriated Fund Balance (480) Technology Projects (4814) called "Pathlore Servers". This will allow for the replacement of three outdated servers that currently support Maricopa County's Pathlore Learning Management System (LMS). (C3106002800) (ADM3300-002)

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**AMENDMENT WITH ARIZONA DEPARTMENT OF EDUCATION FOR HIV EDUCATION SERVICES**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to retroactively approve Amendment No.1 to Grant Contract No. ED04-0052 with the Arizona Department of Education for HIV education services. This item was previously approved on the FY 2005-06 Letter of Intent (C86055623LI) in the amount of \$35,000. This amendment shall extend the term of the agreement from August 1, 2005 through July 31, 2006, and add an additional \$10,000, for a total grant dollar amount not-to-exceed \$45,000. The Department of Public Health's indirect cost rate is 16.7%. Recoverable indirect costs are estimated at \$1,429. Grant revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditures of these revenues are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. (C8604060201)

**AMENDMENT WITH ADHS FOR ACCESS TO HEALTH CARE PROGRAM**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve Amendment No. 1 to Intergovernmental Agreement No. HG561013 with the Arizona Department of Health Services for the Access to Health Care Program. This amendment is non-financial only and has no additional financial impact. This amendment makes an administrative correction on the Uniform Terms and Conditions, correcting the contract number listed on pages 6-9. It also replaces Paragraph 3 in the Special Terms and Conditions (HIPAA Compliance) with an updated version. In addition, Attachment B (Activity Timeline) is also replaced with an updated version extending the completion date to February 2006. All other terms and conditions of the original agreement are in affect. No additional funds are included in this amendment. (C8605023201)

**GRANT FROM ST. LUKE'S HEALTH INITIATIVES FOR INFANT MORTALITY COMMUNITY OUTREACH SERVICES**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve a grant application that is due August 26, 2005, to St. Luke's Health Initiatives for infant mortality community outreach services. The term of the contract, if awarded, will be from approximately December 1, 2005 to December 31, 2010, with funding if awarded, of not-to-exceed \$250,000.00 over the five year period. The Department of Public Health's indirect rate for FY 2005-06 is 16.67%. Indirect costs are not allowed by the grant source. Estimated unrecoverable indirect costs are \$7,144.08. By approving this agenda item, the Board will be authorizing the Department Director (or designee) to sign all continuation applications and associated documents. If any funds are awarded, the Department of Public Health will return to the Board for approval of acceptance of these funds and any subsequent amendments. (C8606012300)

**IGAs FOR SCHOOL-BASED TOBACCO USE PREVENTION AND EDUCATION SERVICES**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the following intergovernmental agreements (IGAs) to provide school-based tobacco use prevention and education services. The term of the agreements is retroactive from July 1, 2005 through May 1, 2006:

- a. **Morristown Elementary School District #75.** Contract dollar amount is not-to-exceed \$1,500. (C8606412200)

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- b. **Queen Creek Unified School District.** Contract dollar amount is not-to-exceed \$8,000. (C8606415200)
- c. **Higley Unified School District.** Contract dollar amount is not-to-exceed \$8,000. (C8606416200)
- d. **Wickenburg Unified School District.** Contract dollar amount is not-to-exceed \$1,500. (C8606417200)
- e. **Maricopa County Regional School District.** Contract dollar amount is not-to-exceed \$3,000. (C8606426200)

**AMENDMENT WITH SAIA FAMILY LIMITED PARTNERSHIP, LTD. FOR LEASED OFFICE SPACE**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve and execute Amendment No. 3 to Lease No. L-7192 with the Saia Family Limited Partnership, Ltd., lessor, for 1,760 square feet of office space located at 8119 and 8121 E. Roosevelt Street, Scottsdale, Arizona. This amendment will extend the term of the existing lease from September 1, 2005 through August 31, 2006. The annual rental rate is at \$15.32 per square foot or a monthly rate of \$2,272.56 plus rental tax. The lease contains a 90-day termination provision and a six-month holdover provision. (C8699027403)

**AMENDMENT WITH RENALWEST, LC FOR CLINICAL PEDIATRIC DIETETIC EXPERIENCE**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve Amendment No. 2 to a non-financial affiliation agreement between Maricopa County, through its Department of Public Health, and Renal West, LC a.k.a. Renal Care Group, to provide clinical pediatric dietetic experience for graduate students in the dietetic internship. The agreement is non-financial, and the term is retroactive from July 1, 2005 through June 30, 2009. All other items in the agreement remain unchanged. (C8699052002)

**MOU WITH WELLS FARGO BANK FOR FIRST-TIME HOMEBUYER ASSISTANCE**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the Memorandum of Understanding (MOU) with Wells Fargo Bank in order to provide American Dream Downpayment Initiative funds to low and moderate income residents for first-time homebuyer assistance. No general funds will be involved in this action. (C1706036000)

**AMENDMENTS FOR OUT-OF-SCHOOL YOUTH PROGRAM**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to:

- a. Approve Amendment No. 5 to the contract with Goodwill Industries of Central Arizona (Goodwill) to improve services in the current year-round Workforce Investment Act (WIA) Out-of-School Youth Program for FY 2005-06. This amendment will be an addendum to the current WIA work statement. This additional work statement establishes a cooperative work agreement between Goodwill and Maricopa County Human Services Department Workforce Development Division in partnership with Arizona Call-A-Teen Youth Resources, Inc. with respect to art instruction and workforce skills; outreach,



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recruitment and promotion; and overall leveraging of current resources to include the Las Artes de Maricopa County Program. This contract amendment will be effective July 11, 2005 through June 30, 2006. This agreement does not contain any county general funds, and (C2204097105)

- b. Approve amendment No. 6 to the contract with Arizona Call-A-Teen Youth Resources, Inc. (ACYR) to improve services in the current year-round Workforce Investment Act (WIA) Out-of- School Youth Program for FY 2005-06. This amendment will be an addendum to the current WIA work statement. This additional work statement establishes a cooperative work agreement between ACYR and Maricopa County Human Services Department Workforce Development Division in partnership with Goodwill of Central Arizona, Inc. with respect to art instruction and workforce skills; outreach, recruitment and promotion; and overall leveraging of current resources to include the Las Artes de Maricopa County Program. This contract amendment will be effective July 11, 2005 through June 30, 2006. This agreement does not contain any county general funds. (C2204098106)

**AMENDMENT WITH IRC FOR TRANSPORTATION SERVICES**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve Amendment No. 2 to the revenue contract with the International Rescue Committee (IRC), in the amount of \$32,490 for the provision of transportation services. This amendment will increase the total contract amount to \$201,767. Funding is provided through IRC by the State of Arizona, Department of Economic Security, Community Services Administration, Arizona Refugee Resettlement Program, pursuant to Arizona State Contract No. E6304017. The term of the contract is also extended from June 30, 2005 to September 30, 2005, in order to match the federal government fiscal year. The revised contract term is now from July 1, 2004 through September 30, 2005. (C2205031102)

**IGA WITH TEMPE ELEMENTARY SCHOOL DISTRICT FOR HEAD START PROGRAM FOOD CATERING**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve an intergovernmental agreement (IGA) with Tempe Elementary School District #3 for the provision of food catering to participants in Maricopa County's Head Start programs. The IGA represents a fixed price agreement per each meal and snack for an annual amount not-to-exceed \$133,790. The IGA requires Tempe Elementary School District to provide a minimum of 1/3 to 2/3 of the daily-recommended dietary allowances. Funding is provided by the Arizona Department of Education via the U.S. Department of Agriculture's Child/Adult Care Food Program. The term of the IGA is July 1, 2005 through September 30, 2007. This agreement does not include any county general funds. (C2206085200)

**GRANT FROM GRIC FOR SAN TAN MOUNTAIN REGIONAL PARK**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to Accept a \$250,000 grant from the Gila River Indian Community (GRIC) and authorize the Chairman to execute the Letter of Acceptance, and approve an appropriation adjustment increasing the FY 2005-06 Parks and Recreation Department (300), Fund (230) revenue and expenditure budgets by \$125,000. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. The GRIC grant award, in the amount of \$250,000, will be received over two years (\$125,000/year) and be used to fence the north and south finger of San Tan

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Mountain Regional Park. Authorize the Parks and Recreation Department (Department 300) to sign necessary reporting and reimbursement paperwork to administer the grant. (C3006002300) (ADM3233)

**APPLY TO BLM TO PATENT LAND IN CAVE CREEK REGIONAL PARK**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to authorize the submission of an application to the United States Bureau of Land Management (BLM) to patent 170 acres of BLM land in Cave Creek Regional Park, under the Recreation and Public Purposes Act guidelines. Approve the \$100 application fee as budgeted in the FY 2005-06 Parks General Fund budget (Fund 100, Department 300). (C3006003M00) (ADM3221)

**ACCEPT GRANT FROM ARIZONA OFFICE OF TOURISM FOR COMMUNICATION MATERIALS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to:

- Accept the awarded Teamwork for Effective Arizona Marketing grant from the Arizona Office of Tourism, and approve a revenue and expenditure increase to the Parks Grant Fund (Department 300, Fund 230) in the amount of \$12,152. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to A.R.S. §42-17105. The total award value is \$14,105 and will be utilized for advertising, printed materials and the triennial Park Visitor Survey, and
- Authorize the Parks and Recreation Department (Department 300) to sign the necessary reporting and reimbursement paperwork to administer the grant. (C3006004000)

**SPECIAL USE AGREEMENT FOR ARIZONA MODEL PILOTS SOCIETY**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve a new Special Use Agreement for the Arizona Model Pilots Society at Adobe Dam Regional Park for the term of January 7, 2006 to January 6, 2011, with two five-year renewal options (CS916076). (C3006005100)

**WATERLINE EASEMENT FROM STETSON VENTURE II, L.L.C.**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve and execute a waterline easement from Stetson Venture II, L.L.C. as it pertains to the waterline and electrical service along 51st Avenue from the Central Arizona Project Canal to Happy Valley Road, subject to legal counsel review and approval of the documents. (C3006006000) (ADM3200)

**AGREEMENT WITH PAMELA HEINE TO RESCUE NON-ADOPTABLE ANIMALS**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve an agreement between Pamela Heine, d.b.a. Finding Fido, P. O. Box 38233, Phoenix, AZ 85069 and Maricopa County, to allow Finding Fido, under the New Hope Program, to rescue animals that have been deemed not adoptable. Maricopa County will provide a rabies vaccination, dog license tag and new owner transfer fee within the first year of rescue for each dog three months of age or older. Maricopa County will incur a \$27 loss of revenue for each dog rescued. Animal Care & Control estimates 30 New Hope rescues over the term of the agreement, for lost revenue of \$810. The term of this agreement is from August 24, 2005 through August 23, 2006. (C7906008100)

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**TRANSFER OF EXPENDITURE AUTHORITY AND ADDITION TO FLEET**

Pursuant to A.R.S. §42-17106 (B), motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve transfer of expenditure authority for Truck No. 31109 and Truck No. 31101 from Fund (574) Agency (794) Org (7930) Field Enforcement to Fund (572) Agency (792) Org (7940) Sheltering at fair market value of \$26,802 . Expenditures required to operate these trucks will come from existing budgeted funds. Approve the addition of these vehicles to the fleet of Fund (572) Agency (792) Org (7940) and approve the retention of these vehicles for shelter operations through the end of FY 2006-07. These vehicles were scheduled to be removed from field enforcement service June 2005. (C7906009700) (ADM 3104)

**KENNEL PERMITS**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the kennel permit renewal for Marianne and John Jackson, d.b.a. Smokin Lab Mast Kennels, 11401 W. Winslow Avenue, Tolleson, AZ 85353, Permit #303, for the term of August 24, 2005 through August 23, 2006. The cost of the kennel permit is \$90. (C7906010C00) (ADM2304)

**FUND TRANSFERS**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, work authorizations, journal entries, allocations, loans, and paid claims. Said claims having been recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and incorporated herein by this reference.

**SOLICITATION SERIALS**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the following solicitation serial items. The action on the following items is subject to County Counsel's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

**Recommendation for Award of Solicitation Serials**

- |                  |  |
|------------------|--|
| <b>05087-ROQ</b> | <b>Psychiatric Services Providers – CHS (\$7,000,000 estimate/three years with three one-year renewal options).</b> Three-year contract which provides psychiatric services to MCSO inmates as requested by CHS. <ul style="list-style-type: none"><li>o M. Akram Bhatti, MD</li><li>o Leonardo Garcia-Bunuel</li><li>o Antonio Carr</li><li>o Andrew Parker</li></ul>     |
| <b>05095-S</b>   | <b>Employment Classified Advertisements and Display Publishing Services (\$3,000,000 estimate/three years with three one-year renewal options).</b> Price agreement for advertising and display publishing of Maricopa County employment opportunities (job openings). <ul style="list-style-type: none"><li>o Bear Essential News for Kids</li><li>o Jobing.Com</li></ul> |

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- o Latino Perspectives Magazine
- o Latpro, Inc.

**Approve an increase in the price agreement amount for the following contracts. This request is due to an increased usage by county departments:**

- 00206-SC Water Conditioning Services: Treatment and Maintenance (\$75,000 increase).** Increase price agreement value from \$75,000 to \$150,000. This \$75,000 increase is requested by the Facilities Management Department to continue to provide water conditioning/treatment for building closed-loop systems, cooling towers, boilers, air-wash units, evaporative condensers, shell and tube condensers, and water softeners through the remaining contract term. This price agreement was renewed by the Materials Management Director on January 13, 2005 (\$75,000) and has an expiration date of February 28, 2006.
- 02080-RFP Landscape Services (\$140,000 increase).** Increase price agreement value from \$1,570,000 to \$1,710,000. This \$140,000 increase is requested by the Facilities Management Department to continue to provide landscaping services for county facilities throughout the term of this contract. This agreement was initially awarded by the Board of Supervisors on December 4, 2004 (\$760,000), and increased subsequently on June 4, 2004 (\$10,000), and September 8, 2004 (\$800,000). The agreement expiration date is December 31, 2005.
- 03063-C Helicopter/Aircraft Parts, Accessories & Repair Service (\$48,000 increase).** Increase price agreement value from \$300,000 to \$348,000. This \$48,000 increase is requested by the Sheriff's Office. This agreement was initially approved by the Board of Supervisors on September 10, 2003, and has an expiration date of September 30, 2006.
- 03117-S Moving Services (\$125,000 increase).** Increase price agreement value from \$210,000 to \$335,000. This \$125,000 increase is being requested by several major county-using agencies to meet ongoing needs. This agreement was initially approved by the Board of Supervisors on September 24, 2003, and has an expiration date of September 30, 2006.
- 03120-C Traffic Signal Poles, Standards and Brackets (\$200,000 increase).** Increase price agreement from \$300,000 to \$500,000. This \$200,000 increase is requested by the Transportation Department to complete unexpected, urgent capital improvement projects by the end of this calendar year. This agreement was initially approved by the Board of Supervisors on September 24, 2003, and has an expiration date of September 30, 2006.
- 04073-S Liquid Pest Control (\$1,000,000 increase).** Increase price agreement value from \$346,000 to \$1,346,000. This \$1,000,000 increase is requested by Environmental Services-Vector Control and Flood Control Departments to purchase products used in the county's West Nile Virus prevention program. This price agreement was initially awarded by the Board of Supervisors on July 7, 2004 (\$200,000), and subsequently increased on June 8, 2005 (\$146,000). This agreement expires on July 31, 2007.

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- 04083-C      Multi-Function Copy Machine (\$60,000 increase).** Increase price agreement value from \$80,000 to \$140,000. This \$60,000 increase is being requested by Graphics Communications to purchase toner, developer and other supplies to support the ImageRunner in the production of printed material for county agencies. Materials Management approved the initial price agreement on June 10, 2004, in the amount of \$80,000. This price agreement has an expiration date of June 30, 2007.

**SETTLEMENT WITH MARSH AND MCLENNAN COMPANIES, INC.**

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the settlement, in the amount of \$150,804.64, for any potential claim against Marsh and McLennan Companies, Inc. based on receipt of contingent commissions resulting from purchase of county insurance coverage. This item was discussed in Executive Session on August 8, 2005. (C7506002000) (ADM409)

**IGA WITH RPTA/VALLEY METRO FOR PROFESSIONAL SERVICES**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve an intergovernmental agreement (IGA) between Maricopa County and the Regional Public Transportation Authority (RPTA)/Valley Metro in the amount of \$400,000 for professional services to the Maricopa County, Regional Travel Reduction Program. Funding to support these activities is from a grant to Maricopa County from the State of Arizona, Department of Environmental Quality. The RPTA will carry out project work activities, issue requests for proposals, and hire consultants, as required, to perform related work activities. This agreement becomes effective upon filing with the County Recorder and remains in effect for the period necessary to complete activities specified in the IGA, such period not to exceed June 30, 2006. (C8506002200)

**PARKING LEASES WITH VARIOUS VENDORS FOR PARKING AT SECURITY CENTER**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to:

- Authorize the Facilities Management Department (FMD) and/or Real Estate to negotiate and enter into month-to-month parking leases with various vendors near the county-owned Security Center Building, to provide parking for current tenants as well as for anticipated future parking needs as county tenants are transitioned into the building. The proposed agreements will fix the rental rate for a mutually acceptable term, and
- Authorize FMD to expend funds not-to-exceed \$200,000 in FY 2005-06 for the purpose of paying vendors for leased spaces. Vendor payments will be processed and tracked through purchase orders issued by Materials Management. These month-to-month leases will require vendors to provide a minimum number of parking spaces at fixed rates and will allow for the total number of parking spaces to fluctuate from month-to-month, as needed. The exact terms may vary according to the needs of the different vendors. There are no signed lease agreements for the month-to-month parking. FMD receives a monthly invoice and FMD pays the invoice based upon the agreed upon rate and the number of spaces for the month. (C7005052100) (ADM811-002)

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**IGA WITH CITY OF PHOENIX FOR EFFICIENT PROVISION OF PUBLIC SERVICES**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve an intergovernmental agreement (IGA) with the City of Phoenix to ensure the efficient provision of important public services within the boundaries of the city, subject to County Counsel approving the final non-substantive language of the IGA. The city and county have agreed that the county may issue construction permits for any building it or its related entities perform within the corporate limits of the City of Phoenix. The City of Phoenix will cooperate and issue any ancillary permits that may relate to such county construction. Further, the county agrees to adopt the State Fire Code for the purposes of reviewing public buildings constructed within the City of Phoenix. (C4406001000)

**EASEMENTS, RIGHT-OF-WAY, AND RELOCATION ASSISTANCE DOCUMENTS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors' action. (ADM2007)

- |                   |   |
|-------------------|---|
| A329.001<br>(JPM) | Project No: TD015 - 31st Avenue Improvement District (Cloud Road to Maddock Road) - Easement and Agreement for Highway Purposes - Parcel No.: 203-38-037 - Robert A. Crooks and Linda L. Crooks - for the sum of \$10.00.   |
| A339.050<br>(CS)  | Project No: TE198 - Litchfield and Peoria - Agreement for Right of Entry - Parcel No.: 501-43-009Y - Butler Investments - for the sum of \$500.00.  |
| AZA-32802<br>(HH) | Project No: 69010 - Salome Highway (Material Storage/Pit #252 and Access Road) - Right of Way Grant/Temporary Use Permit - United States Department of the Interior Bureau of Land Management.  |
| DD-9504<br>(CS)   | Project No: TL008 - Right of Way Dedication - Easement and Agreement for Highway Purposes - Parcel No.: 501-62-002V - Dysart Commons, LLLP an Arizona Limited Liability Limited Company - for the sum of \$10.00.   |
| DD-9504<br>(CS)   | Project No: TL008 - Right of Way Dedication - Purchase Agreement and Escrow Instructions - Parcel No.: 501-62-002V - Dysart Commons, LLLP an Arizona Limited Liability Limited Company.   |
| DD-9505<br>(CS)   | Project No: TL008 - Right of Way Dedication - Easement and Agreement for Highway Purposes - Parcel No.: 501-62-002W - Crown Traffic Service, Inc., a Nevada corporation; Michael H. Samson; Michael H. Samson, as Trustee; and Pensco Pension Service - for the sum of \$10.00. |
| DD-9505<br>(CS)   | Project No: TL008 - Right of Way Dedication - Purchase Agreement and Escrow Instructions - Parcel No.: 501-62-002W - Crown Traffic Service, Inc., a Nevada corporation; Michael H. Samson; Michael H. Samson, as Trustee; and Pensco Pension Service.                           |
| SRO 25-74<br>(GS) | Project No: TT070 - Alma School Road Bridge (South Channel) and TT142 - Alma School Road North Bridge Grade Control Structure - Short-Term Use Permit - Salt River Pima-Maricopa Indian Community.  |

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W-6303 and W-6303-1	Project No: TT062 - Ellsworth Road - Agreement for Right of Entry - Parcel No.: 218-40-002B - State of Arizona, by and through it Department of Transportation - for the sum of \$10.00.
W-6305 (JPM)	Project No: TT062 - Ellsworth Road -Agreement for Right of Entry - Parcel No.: 218-07-622 - Sajjad A. Minhas and Rukhshanda S. Minhas - for the sum of \$500.00.
X-0165 A (DWM)	Project No: 68957 - Gilbert Road - Easement for Roadway Purposes - Parcel No.: 141-03-018 - Daniel J. Adragna and Donalyn Adragna - for the sum of \$1.00.
X-0168-A (DWM)	Project No: 68957 - Gilbert Road (McDowell Road to Thomas Road) - Easement - Parcel No.: 141-03-013 - Carrol L. Powell and Doris E. Powell - for the sum of \$10.00.
X-0169 A (DWM)	Project No: 68957 - Gilbert Road - Easement for Roadway Purposes - Parcel No.: 141-03-009J - Brian D. Owens and Mary Ellen Owens - for the sum of \$1.00.
X-0171 A (DWM)	Project No: 68957 - Gilbert Road - Easement for Roadway Purposes - Parcel No.: 141-03-009T - Betty Eckhardt - for the sum of \$1.00.
X-0510-1 (CS)	Project No: 68927 - Ellsworth Road - Letter Agreement for a Temporary Ingress and Egress Permit - Parcel No.: 304-31-010C - Grupo Aztex, Ltd - for the sum of \$100.00.

**ACCEPT LOW BID FROM CS & W CONSTRUCTION CO., FOR ELLSWORTH ROADWAY IMPROVEMENTS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to accept the low bid of \$7,786,968.45 from CS & W Construction Co. for the Second Phase of Ellsworth Roadway Improvements, between University and McLellan, Summer 2005, Project No. TT062 (68902-B), Contract No. 2004-136. Request FY 2005-06 transfer of \$2,500,000.00 from Project No. T002, Project Reserves Account, to Project No. T062, Ellsworth: UIV - McLellan, to fund the roadway improvements. Review of received bids indicated a higher than the expected construction cost, which was due to consistently higher prices for electrical and pavement bid items. Estimated cost of these bid items were based on 2004 average bid prices. The engineer's estimate, as prepared by Earthtech Engineering, is \$6,287,594.06, while low bid is \$7,786,968.45 reflecting an increase of 24%. (C6405179501)

**EXTEND SELF INSURANCE TRUST COVERAGE FOR ADOPT-A-HIGHWAY PROGRAM**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to extend Self Insurance Trust coverage for the volunteers in the Adopt-A-Highway Program. This item will be effective upon Board of Supervisors' approval. (C6405349000) (ADM631-003)

**IGA WITH TOWN OF BUCKEYE FOR DESIGN AND INSTALLATION OF TRAFFIC SIGNAL**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the intergovernmental agreement (IGA) between Maricopa County and the Town of Buckeye for the design and installation of a traffic signal at the intersection of MC 85 and Miller Road. The town will act as the lead agency with the county contributing 50% of the total project costs based on the original county standard design, estimated at \$140,772, but not-to-exceed \$150,000. Funds are budgeted in FY 2005-06 in Project No. T163, MC 85 at Miller Road. (C6406005200)

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**IGA WITH FLOOD CONTROL DISTRICT FOR EL RIO EDUCATIONAL R & D PARKING LOT**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve Intergovernmental Agreement (IGA) FCD 2005A010, between the Flood Control District of Maricopa County and Maricopa County Department of Transportation regarding roles and responsibilities in construction of a parking lot for the El Rio Educational Research and Development Project. The project will be constructed in conjunction with a county roadway project (MCDOT Project #T191) that will make improvements to Vineyard Avenue/143rd Avenue from Estrella Parkway to Indian Springs Road (see also FCD Agenda Item C6906021200). (C6406006200)

**TRAFFIC CONTROL CHANGES ON UNINCORPORATED RIGHT-OF-WAYS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to approve the following traffic control changes:

- a. **Designated School Crossing** – 7th Street, 1100 feet north of Galvin Street for Stepping Stones Academy Charter School. (C6406007000) (ADM F23166)
- b. **40 MPH Speed Limit Zone** – 7th Street from Galvin Street to Cloud Road (from a 45 MPH speed limit zone). This partially rescinds the 45 MPH speed limit zone dated January 19, 2000. (C6406007000) (F23166)
- c. **45 MPH Speed Limit Zone** – 7th Street from 1/4 mile north of Cloud Road to New River Road (from a 50 MPH speed limit zone). This partially rescinds the 50 MPH speed limit zone dated September 29, 1975. (C6406007000) (F23166)
- d. **Designated School Crossing** – Liberty Bell Way 10 feet south of Hastings Way for Diamond Canyon Elementary School. (C6406008000) (F23166)
- e. **Designated School Crossing** – Hastings Way 10 feet west of Noble Hawk Way for Diamond Canyon Elementary School. (C6406008000) (F23166)
- f. **Designated School Crossing** – Anthem Way 10 feet west of Liberty Bell Way for Diamond Canyon Elementary School. (C6406008000) (F23166)
- g. **Four-Way Stop** – Gavilan Peak Parkway and Navigation Way (from a two-way east/west stop). (C6406009000) (F23166)
- h. **Three-Way Stop** – Hunt Highway and Power Road (from a one-way south stop). (C6406010000) (F23166)
- i. **Three-Way Stop** – Elliot Road and Signal Butte Road (from a one-way south stop). (C6406011000) (F23166)
- j. **No Stopping, Standing, Parking Anytime Zone** – Waddell Road from Litchfield Road to Dysart Road (south side only). (C6406012000) (F23166)
- k. **No Stopping, Standing, Parking Anytime Zone** – Higley Road from Germann Road to Superstition Drive (west side only). (C6406013000) (F23166)



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- l. **Two-Way Stop** – 105th Avenue at Kelso Drive for north and southbound traffic. (C6406014000) (F23166)
- m. **No Stopping, Standing, Parking Anytime Zone** – 114th Avenue from Crestbrook Drive to 605 feet south of Crestbrook Drive (both sides). (C6406015000) (F23166)
- n. **One-Way Stop** – 138th Street at Galveston Street for southbound traffic. (C6406016000) (F23166)
- o. **No Stopping, Standing, Parking Anytime Zone** – Deer Valley Road from 85th Avenue to 91st Avenue (north side only). (C6406017000) (F23166)
- p. **No Stopping, Standing, Parking Anytime Zone** – Camelback Road from .61 miles west of Litchfield Road to Litchfield Road (south side only). (C6406018000) (F23166)
- q. **45 MPH Speed Limit Zone** on MC 85 from .25 miles west of Litchfield Road to Estrella Parkway (from a 55 MPH speed limit zone). This partially rescinds the 55 MPH speed limit zone dated August 1, 1991. (C6406019000) (F23166)
- r. **30 MPH Speed Limit Zone** – Missouri Avenue from Litchfield Road to Dysart Road. (C6406020000) (F23166)
- s. **30 MPH Speed Limit Zone** – 135th Avenue from Missouri Avenue to Bethany Home Road. (C6406020000) (F23166)
- t. **30 MPH Speed Limit Zone** – 134th Avenue from Bethany Home Road to Claremont Street. (C6406020000) (F23166)
- u. **A 30 MPH Speed Limit Zone** – Rose Lane from Claremont Street to Dysart Road. (C6406020000) (F23166)

**APPOINTMENTS – COMMUNITY DEVELOPMENT ADVISORY COMMITTEE**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to re-Appoint Ms. Doris Heisler and Ms. Carol Ann Beard, whose terms will be effective from Board of Supervisors' approval through June 30, 2006. (ADM1501)

Supervisor Wilson took the opportunity to recognize Ms. Doris Heisler for doing an outstanding job as member of this committee and thanked all the members of the community for their volunteer efforts.

**HEARING SET – STREET NAME CHANGE**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to schedule a public hearing for September 21, 2005 at 9:00 a.m., to name a previously un-named alignment to Shane Lane in Township 6 North, Range 3 East, Section 3 between North 18th Street and North 20th Street north of Johnson Road. (C4406002000) (ADM2018)

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**HEARING SET - PLANNING AND ZONING CASES**

There were no legal ads to schedule public hearings on Planning, Zoning and Building Code cases presented at this meeting.

**INDUSTRIAL DEVELOPMENT AUTHORITY**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to Request for resolution granting approval to The Industrial Development Authority of the County of Maricopa Single Family Mortgage Revenue Bonds, Series 2005 to be issued in one or more series in an aggregate principal amount not-to-exceed \$250,000,000, including the adoption of a resolution authorizing and approving the issuance and sale of the bonds, adoption of the General Plan and Standard and Requirements and other matters necessary or desirable for the issuance and sale of the bonds.

This item is considered by the Board of Supervisors solely to satisfy the public approval requirement of Section 147(f) of the Internal Revenue Code of 1986, as amended, and the requirement of A.R.S. §35-721B, that the Board approve the proceedings under which bonds of the Industrial Development Authority of the County of Maricopa are issued. (ADM4792)

**RESOLUTION**

**WHEREAS**, The Industrial Development Authority of the County of Maricopa (the "Authority") pursuant to the Industrial Development Financing Act, Title 35, Chapter 5, Arizona Revised Statutes (the "Act"), is authorized, under the Act, to issue notes and bonds and to use the proceeds thereof for tax-exempt single family mortgage revenue bonds in compliance with the Internal Revenue Code of 1986 when the Issuer finds that such financing is in the public interest;

**WHEREAS**, the investment banking firm Morgan Keegan & Company, Inc. has requested that the Authority issue its Single Family Mortgage Revenue Bonds, Series 2005A and Series 2005B in an aggregate amount not to exceed \$250,000,000 (the "Bonds") in order to refund the maturing principal or the principal portion of the redemption price, as the case may be, of portions of bonds previously issued by the Authority (the "Prior Bonds") and to preserve private activity bond volume cap by issuing variable rate bonds; and

**WHEREAS**, on August 9, 2005, the Authority resolved to issue the Bonds, such Resolution being conditioned upon, among other things, the granting of approval to the issuance of the Bonds by the Maricopa County Board of Supervisors; and

**WHEREAS**, the Authority's Resolution relating to the issuance of the Bonds has been made available to the Maricopa County Board of Supervisors, and said Resolution has been duly considered this date; and

**WHEREAS**, the Authority's Resolution authorizes, among other things, the issuance and sale of the Bonds, the execution and delivery of Trust Indenture, the Bond Purchase Agreement, the Remarketing Agreement, the adoption of the General Plan and the Standards and Requirements and such other documents as required for the issuance of the Bonds; and

**WHEREAS**, the terms, maturities, provisions for redemption, security, and sources of payment for the Bonds are set forth in the Trust Indenture and the form of Bond itself; and

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**WHEREAS**, copies of said documents have been available to the Maricopa County Board of Supervisors, together with the aforementioned resolution of the Authority; and

**WHEREAS**, the Maricopa County Board of Supervisors has been informed that said documents have been reviewed by competent Bond Counsel, Kutak Rock LLP, and said Bond Counsel has determined that said documents adequately meet the requirements of the Act and the Internal Revenue Code of 1986 (the "Code"); and

**WHEREAS**, as a result of the issuance and sale of the Bonds, the Authority will be able to recycle benefits associated with all or a portion of its Prior Bonds by refunding maturity principal or redemption price, as the case may be, of such Prior Bonds and preserve private activity bond volume cap; and

**WHEREAS**, subsequent to the refunding of the Series 2005A Bonds at the redemption or maturity thereof and the refunding or conversion of the Series 2005B Bonds to a fixed rate of interest, the amounts made available from such refundings or conversion shall be used to finance the purchase of mortgage loans or mortgage-backed securities backed by mortgage loans, in each case, made to finance owner occupied single family residential property located within the jurisdiction of the Authority to be owned by low and moderate income persons or families; and

**WHEREAS**, in accordance with the Code and Section 35-721.B of the Act, the proceedings of the Authority under which the Bonds are to be issued require the approval of this Board of Supervisors of each issuance of the Bonds; and

**WHEREAS**, pursuant to Section 147(f) of the Code, this Board of Supervisors must approve the issuance of the Bonds after a public hearing following reasonable public notice; and

**WHEREAS**, following publication of Notice of Public Hearing in *The Arizona Republic* on August 2, 2005, a public hearing was held by the Authority, pursuant to Section 147(f) of the Code, on August 17, 2005, in the main floor public lobby of the Maricopa County Administration Building, 301 West Jefferson Street, Phoenix, Arizona 85003 on the financing of the Project as described in the Notice of Public Hearing, a copy of which is attached hereto and made a part of this Resolution; and

**WHEREAS**, it is intended that this Resolution shall constitute approval by the Maricopa County Board of Supervisors with respect to the issuance of the Bonds pursuant to (i) Section 35-721.B of the Act, and (ii) Section 147(f) of the Code; and

**WHEREAS**, it is intended that this Resolution shall constitute approval by the Board of Supervisors with respect to the issuance of the Bonds under the Code and pursuant to Section 35-721.B of the Act; and

**WHEREAS**, it is intended that this Resolution shall constitute approval of the General Plan pursuant to Section 35-726.A of the Act and approval of the Standards and Requirements pursuant to Section 35-701.D. of the Act;

**NOW, THEREFORE, BE IT RESOLVED** by the Board Of Supervisors of Maricopa County, Arizona, as follows:

1. The issuance by the Authority of the Bonds in the aggregate principal amount, not to exceed \$250,000,000 is approved for all purposes under the Act; and
2. The Standards and Requirements and General Plan are approved for all purposes under the Act; and

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3. The appropriate officers of the Board of Supervisors are hereby authorized and directed to do all such things to execute and deliver all such documents on behalf of the County as may be necessary or desirable to effectuate the intent of this Resolution and the Resolutions of the Authority in connection with authorization, issuance and sale of the Bonds.

**DATED** this 24<sup>th</sup> day of August 2005.

/s/ Max W. Wilson, Chairman of the Board

**ATTEST:**

/s/ Fran McCarroll, Clerk of the Board

**ARIZONA STATE SCHOOLS FOR THE DEAF AND THE BLIND**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the payment in the amount of \$19.96 to the Arizona State Schools for the Deaf and the Blind covering costs incurred in providing educational services to one student residing in Maricopa County. This payment is in accordance with A.R.S. §15-1346B which states "the Superintendent shall remit the account after one school year to the Clerk of the Board of Supervisors of the county in which the pupil resides for payment from the county general fund." (ADM714)

**ASRS CLAIMS**

There were no ASRS Claims presented at this meeting. (ADM3309-001)

**CANVASS OF ELECTIONS**

There were no canvasses of elections submitted at this meeting.

**CLASSIFICATION CHANGES**

There were no classification changes presented at this meeting. (ADM723)

**COMPROMISES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to accept the requested compromises as payment in full. This item was discussed in Executive Session on August 8, 2005. (List is retained in accordance with ASLAPR approved retention schedule.) (ADM407)

<b>NAME</b>	<b>AMOUNT</b>
Bautista, Crescencio Santiago	\$6,000.00
Bustamante, Enrique	\$2,500.00
Calderon, Luis	\$11,000.00
Cook, Thomas	\$1,200.00
Dominquez, Diana	\$600.00
Elmer, Samantha	\$7,200.00
Engelking, Brandon	\$400.00
Evans, Diane	\$3,500.00
Evans, John	\$750.00

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Feddock, Jaime	\$3,015.00
Fitchett, Micael	\$465.00
Godfrey, Noah	\$3,500.00
Greer, Barbara	\$2,000.00
Hendry, Monique	\$6,157.96
Hill, Shavonne	\$6,465.00
Ketsdever, Madison	\$3,800.00
Long, Amber	\$11,500.00
Lopez-Cardona, Margarita	\$9,205.08
McGee, Peggy	\$6,832.42
Miller, Sandra	\$2,500.00
Nicholson, Sharon	\$430.00
Noble, William	\$10,000.00
Perkins, Lori	\$12,000.00
Peters, Tiffine	\$4,605.30
Rafael, Lilana	\$3,523.84
Sanzhez, Nicole	\$2,750.00
Scroggins, Melissa	\$4,000.00
Soto, Germaine	\$3,400.00
Stewart, Reginald	\$5,000.00
Thompson, Ameerah	\$7,600.00
Treadway, Wadenna	\$10,687.13
White, Aaron	\$7,421.45

**DUPLICATE WARRANTS**

Necessary affidavits having been filed, pursuant to A.R.S. §11-632, motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) for the approval requested that duplicate warrants be issued to replace county warrants and school warrants which were either lost or stolen. (The list is retained in accordance with ASLAPR approved retention schedule.) (ADM1823) (ADM3809)

**COUNTY**

<b>NAME</b>	<b>WARRANT</b>	<b>FUND</b>	<b>AMOUNT</b>
Jill Prather	240018872	Payroll	\$262.16
Intrinsyc Software Int'l	350558880	Expense	\$6,897.99
Henry White	350561073	Expense	\$85.00
Ticor Title Agency	350560005	Expense	\$900.00
Ryan McPeck	260007100	General	\$818.56
Elliott Pollack & Co	360501449	Expense	\$5,903.52
Rory Hays	360500079	Expense	\$11,939.20
Ann Reque Bendler	240021007	Expense	126.91

**SCHOOL**

<b>NAME</b>	<b>SCHOOL</b>	<b>WARRANT</b>	<b>AMOUNT</b>
Jessica Hernandez	Phoenix Elem SD #1	450121466	\$207.31
Innovative Screeners	Agua Fria Union High SD	450116703	\$321.60
Yana Chernyshova-Brown	Tolleson Union High	460002187	\$911.63

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Norma Coria	Litchfield Elem SD #79	160002673	\$787.34
Precision Electric Co	Phoenix Elem SD #1	450133202	\$345.42
Maria Dean	Phoenix Elem SD #1	460000841	\$830.79
Barnes & Nobles Booksellers	Murphy Elem SD #21	450115854	\$2,883.57
Maria Torres	Isaac SD	15129535	\$70.00
Doreen Ferrara	Supt of Schools	15135973	\$725.73
Angela Petit	Roosevelt SD	160000281	\$300.34
Kristen Meyers	Treasurer	214572465	\$1,212.81
Mandie Haven	Litchfield Elem SD #79	150130876	\$930.86
Jose Luis Alcaraz	Roosevelt SD	160006122	\$537.40
Sheri Bowes	Fowler SD	450129091	\$241.31
Karen Stubblefield	Littleton SD	460003210	\$50.00
AZ Dept of Public Safety	Supt of Schools	460003529	\$115.00
AZ Dept of Public Safety	Supt of Schools	460003530	\$29.00
Riverside Publishing Co	Littleton SD	450107853	\$230.06

**MINUTES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the minutes of the Board of Supervisors meetings held May 4, 2005, June 20, 2005 and June 22, 2005.

**PRECINCT COMMITTEEMEN**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to authorize the appointment and cancellation of appointment of Precinct Committeemen. The list is retained in accordance with ASLAPR approved retention schedule. (ADM1701)

**RESIGNATION**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to accept the resignation of Jesse Miranda as Justice of the Peace for the Maryvale Justice Court, effective September 1, 2005. (ADM1200-001)

**SECURED TAX ROLL CORRECTIONS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve requests from the Assessor for corrections of the Secured Tax Rolls. (List is retained in accordance with ASLAPR approved retention schedule.) (ADM705)

<b>Tax Roll</b>	<b>From No.</b>	<b>To No.</b>	<b>Net Result</b>
2001	39859	39865	-\$16,167.24
2003	23757	24030	-\$473,793.44
2002	18384	18645	-\$174,538.10
2001	39866	39867	-\$526.62
2003	24032	24053	-\$29,518.30
2002	18646	18688	-\$21,910.84
2004	8967	9081	-\$211,070.86
2004	8583	8966	-\$1,456,478.06

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2004	8422	8531	-\$421,788.24
1999	8296	8296	-\$195.98

**SETTLEMENT OF TAX CASES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve the settlement of tax cases dated August 24, 2005. (List is retained in accordance with ASLAPR approved retention schedule.) (ADM704)

<b>20022004</b>	<b>2005</b>	<b>2005/2006</b>
TX 04-000897	CV 04-022971	ST 04-000244
<b>2004</b>	ST 04-000203	
TX 03-000517	ST 04-000288	<b>Outside Counsel</b>
TX 04-000131	ST 04-000364	TX 03-000638 &
		TX 04-000830
TX 05-050044		TX 04-000983

**STALE DATED WARRANTS**

The Board of Supervisors finds that claims presented, pursuant to A.R.S. §11-644, are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. (A list of claims is on file in the Clerk of the Board's office and retained in accordance with ASLAPR approved retention schedule.) (ADM1816)

<b>NAME</b>	<b>AMOUNT</b>
Dorothy Ann Filafusi	\$100.00

**TAX ABATEMENTS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to approve requests for tax abatements from the Treasurer's Office. (List is retained in accordance with ASLAPR approved retention schedule.) (ADM708)

<b>Parcel #</b>	<b>Year</b>	<b>Proposed Abatement</b>
121-77-172	1999	\$1,004.19
141-69-116	1992	\$116.84
141-69-116	1993	\$85.12
141-69-116	1994	\$77.65
141-69-116	1995	\$73.26
141-69-116	1996	\$65.13
141-69-116	1997	\$58.84
141-69-116	1998	\$51.51
141-69-116	1999	\$18.32
141-69-116	2000	\$2,975.58
141-69-116	2001	\$2,863.01
141-69-116	2002	\$2,748.29

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141-69-116	2003	\$2,748.14
141-69-116	2004	\$2,277.23
137-02-301	1994	\$88.03
137-02-301	1995	\$61.28
137-02-301	1996	\$56.46
137-02-301	1997	\$53.22
137-02-301	1998	\$49.11
137-02-301	1999	\$44.51
137-02-301	2000	\$34.09
137-02-301	2001	\$30.56
137-02-301	2002	\$27.28
137-02-301	2003	\$23.32
137-02-301	2004	\$5.58
501-72-932	2001	\$1,439.72
501-72-932	2002	\$7,627.89
944-72-037	2003	\$15,639.96
203-06-843	2004	\$1,920.11
173-61-091	2004	\$660.10

**WRITE-OFFS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to accept the requested write-offs for accounting purposes only. This item was discussed in Executive Session held August 8, 2005. (List is retained in accordance with ASLAPR approved retention schedule.) (ADM407)

<b>NAME</b>	<b>AMOUNT</b>
Bellamy, Ragan	\$6,442.72
Mohammed, Dhul Jalal	\$3,676.18
Provan, Daniel L.	\$9,678.15
Smail, Omanovic	\$23,193.45
Wycoff, William	\$2,635.40

**ACCEPTANCE OF DONATION FROM PHOENIX INTERNATIONAL RACEWAY**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to accept the donation from Phoenix International Raceway of 2,500 tickets for the Grand American Qualifying Day on September 9, 2005, and 2,500 tickets for the Phoenix 250 on September 10, 2005, for distribution to county employees and/or for other appropriate purposes. The Maricopa County Human Resources Department will arrange for the distribution of tickets. (C0606002M00) (Addendum item # A-1) (ADM 3300)

Supervisor Wilcox thanked PIR for the donation and said that arrangements will be made through Human Resources for distribution of the tickets to county employees.

**CALL TO THE PUBLIC AND SUMMARY OF CURRENT EVENTS**

No member of the public came forward to speak at this time. (ADM605)



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**SUPERVISORS'/COUNTY MANAGER'S SUMMARY OF CURRENT EVENTS**

Supervisor Wilcox commented on item 38, IGA with the City of Phoenix. She said "this is a big step forward this IGA allows the County to issue construction permits for any building it or its related entities perform within the corporate limits of the City of Phoenix."

Ms. Wilcox also commented on the loss of Anthony Abril. She said that Mr. Abril was a well known citizen, representing South Phoenix, voiced his opinion and brought forth many issues and concerns to the City and Board Meetings. (ADM606)

Chairman Wilson said he had a lot of admiration for Mr. Abril.

**CODE ENFORCEMENT REVIEW – CARA STEELE - CONTINUED**

Item: This is the time for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V2002-00440, Cara Steele (This hearing continued from meeting of June 16, 2004 and January 5, 2005 and February 16, 2005) (ADM3417-023)

Darren Gerard briefly outlined the history of Case No. V2002-00440 listed above. Mr. Gerard reported that the home was purchased by the Steele family in 1999. The subject violation case has been open since May 2002 due to a complaint for an addition to the house sitting too close to the road. A permit to construct any additions was never obtained. In Jan. 2004 the zoning hearing officer found the property owners in violation. Mr. Gerard said that there is a pending variance, if the variance is approved the violation will be remedied and the case will be closed. He indicated that staff recommended denial of the variance, and also recommended upholding the hearing officer's judgment to hold the property owners responsible for the violation.

Cara Steele, property owner, stepped forward to speak. Ms. Steele said that the property was under contract and would be torn down for commercial use. She also stated that the property must be vacated by the end of October. Ms. Steele asked for a continuance until the next Board of Supervisors meeting.

Chairman Wilson asked if the addition to the home was constructed by the original owners or the current owners. Mr. Gerrard replied that the original house was built in 1976 and the addition to the property appeared to have been constructed before the Steeles purchased the property.

Chairman Wilson asked if staff recommended dismissing the case. Mr. Gerrard replied that staff did not recommend dismissing the case. Joy Rich stepped forward to speak and requested a two week continuance for this case. Ms. Rich stated that this would allow time to review the sales contract and discuss with the new property owners their intentions as to the property before making any decisions.

Discussion ensued on a question raised by Supervisor Kunasek. It was ascertained that the new property owners would not be bound to this code enforcement case. If the new property owners were to default with the compliance a new code enforcement violation case would be brought against the new property owners and the process would start all over again.

Chairman Wilson asked for recommendation from staff.

Terry Eckhardt, County Counsel, recommended the Board follow staff's recommendation.

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On the recommendation of staff, motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (4-0-1) to continue this item to September 7, 2005.

**CODE ENFORCEMENT REVIEW – LEO R. LEROY - CONTINUED**

Item: This is the time for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V2001-00041, Leo R. Leroy. This Hearing continued from the meetings of September 18, 2002, January 8, 2003, January 22, 2003, February 5, 2003, February 19, 2003, August 27, 2003 and February 16, 2005. STAFF RECOMMENDS THIS ITEM BE CONTINUED TO FEBRUARY 2006. (ADM3417-013)

On the recommendation of staff, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to continue this for six months due to question of actual ownership.

**CODE ENFORCEMENT REVIEW – DONALD HUTMAN - CONTINUED**

Item: This is the time for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V2001-00718, Donald Hutman. This Hearing continued from the meetings of September 18, 2002, January 8, 2003, January 22, 2003, February 5, 2003, February 19, 2003, August 27, 2003 and February 16, 2005. STAFF RECOMMENDS THIS ITEM BE CONTINUED TO FEBRUARY 2006. (ADM3417-012)

On the recommendation of staff, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to continue for six months due to question of actual ownership.

**CODE ENFORCEMENT REVIEW – JEFF RUDEK - CONTINUED**

Item: This is the time for the review of the Hearing Officer's Order of Judgment in Zoning Code Violation Case No. V2003-00657, Jeff Rudek. (ADM3417-030)

On the recommendation of staff, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to continue this item to September 21, 2005.

**PLANNING AND ZONING AGENDA**

David Smith left the dais at the end of this portion of the Board meeting. All Board Members, as listed above, remained in session. Joy Rich, Chief Regional Development Services Officer, Darren Gerard, Deputy Planning and Development Director, and Terry Eckhardt, County Counsel, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

**CONSENT AGENDA DETAIL:**

- |           |                  |  |
|-----------|------------------|--|
| <b>1.</b> | <b>Z2005-014</b> | <b>District 3</b>  |
|           | Applicant:       | Earl, Curley & Lagarde, PC   |
|           | Location:        | Northeast corner of 68 <sup>th</sup> Street and Chauncey Lane (in the northeast Phoenix/north Scottsdale area) |
|           | Request:         | Precise Plan of Development in the C-2 CUPD zoning district - Lifetime Fitness (approx. 9 acres)               |

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**COMMISSION ACTION:** Commissioner Smith moved to approve Z2005-014, subject to the following stipulations “a” through “p”. Commissioner Clayburg seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development and use of the site shall comply with the site plan entitled “Lifetime Fitness Precise Plan - North Scottsdale Corporate Center”, consisting of three (3) full-size sheets prepared by Wood/Patel, dated June 17, 2005, and stamped received June 23, 2005, except as modified by the following stipulations.
- b. Development and use of the site shall be generally consistent with the plan entitled, “North Phoenix, AZ – Lifetime Fitness – Exterior Elevations – Sheet A-3”, consisting of one (1) full-size sheet prepared by FCA Construction, dated June 15, 2005, and stamped received June 23, 2005, except as modified by the following stipulations.
- c. Landscaping of the site shall be generally consistent with the landscape plan entitled, “Lifetime Fitness – 68<sup>th</sup> Street and Chauncey Lane - Conceptual Landscape Plan”, consisting of one (1) full-size sheet prepared by AMEC Landscape Architecture, dated June 16, 2005, and stamped received June 23, 2005, except as modified by the following stipulations.
- d. Development and use of the site shall comply with the narrative report entitled “Narrative Report for Lifetime Fitness in the North Scottsdale Corporate Center at Chauncey Ranch”, consisting of 12 pages, dated May 2, 2005, and stamped received June 23, 2005, except as modified by the following stipulations.
- e. Development and use of the site shall comply with all use regulations and development standards of the C-2 CUPD zoning district as approved under Z2000063 and amended by Z2001118.
- f. Development and use of the site shall remain in compliance with all applicable stipulations of approval under Z2000063 and Z2001118 except as modified or superseded by the following stipulations.
- g. Prior to zoning clearance, the applicant shall provide written confirmation from the State Historic Preservation Office (SHPO) stating that the requirements regarding a cultural resource survey for the subject property have been met.
- h. Development of the site shall include a total of fourteen (14) handicap accessible parking spaces to be located near the front of the fitness center building.
- i. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- j. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department.
- k. All trees shall be double-staked when installed.
- l. A continuous parapet shall screen all roof-mounted equipment.

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- m. When possible, all transformers, back-flow prevention devices, utility boxes and all other utility-related, ground-mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted or screened from view.
- n. All interior roadways will be constructed to the minimum commercial/nonresidential standards of Maricopa County or City of Phoenix standards (where applicable).
- o. Major changes to this plan of development (the precise plan of development and narrative report) shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. For the purpose of this application, a minor amendment may include changes to the location, configuration and/or type of the site plan, adjustments to interior streets, etc., as long as such amendment does not increase the overall intensity, and otherwise complies with the C-2 CUPD development standards approved for site.
- p. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to concur with the recommendation from the Planning Commission for approval with stipulations "a" through "p" as given above.

- 2. Z2005-017 District 3**  
Applicant: Stanley Consultants, Inc.  
Location: South of the intersection of Anthem Way and Navigation Way (in the Anthem area)  
Request: Precise Plan of Development in the R-4 RUPD zoning district – BelaRosa Apartments (approx. 20 acres)

**COMMISSION ACTION:** Commissioner Smith moved to approve Z2005-017, subject to the following stipulations "a" through "o". Commissioner Clayburg seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development of the site shall comply with the site plan entitled "A Precise Plan of Development for the BelaRosa Apartments, Case #Z2005017," consisting of 18 full-size sheets, dated (revised) May 1, 2005, and stamped received May 17, 2005, except as modified by the following stipulations. A revised site plan shall be submitted for review and approval within 30 days of approval of the precise Plan of Development that clearly shows the parking requirements of the Maricopa County Zoning Ordinance have been met.
- b. Development of the site shall be in conformance with the narrative report entitled "Narrative Report, BelaRosa Anthem Apartment Village", consisting of three (3) pages, stamped received May 17, 2005, except as modified by the following stipulations.

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- c. Development of the site shall be in conformance with the landscape plan entitled "Conceptual Landscape Plan, BelaRosa Anthem Apartment Village", consisting of three (3) full-size sheets, dated May 13, 2005, and stamped received May 17, 2005, except as modified by the following stipulations.
- d. All trees shall be double-staked when installed.
- e. A continuous parapet shall screen all roof-mounted equipment.
- f. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted.
- g. The existing standards established by previous amendments to the Anthem Plan of Development in regard to retaining walls and signs, or in the alternative those standards identified in the Maricopa County Zoning Ordinance, shall apply to the development of the site.
- h. The following Maricopa County Department of Transportation (MCDOT) stipulations shall be met:
  - Construct off-site improvements to meet MCDOT requirements, including driveway and emergency secondary access requirements.
  - Install underground conduit for future traffic signal.
  - Traffic signal design to comply with MCDOT requirements. Traffic signal to be installed by developer.
- i. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from the Maricopa County Department of Transportation (MCDOT) for landscaping or other improvements in the right-of-way.
- j. Prior to development a Floodplain Use Permit must be obtained from the Regulatory Division of the Flood Control District.
- k. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- l. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- m. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- n. Major changes to the site plan and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the

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Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department.

- o. Noncompliance with the conditions of approval will be treated as a violation in accordance with Chapter 14 (Violation and Penalty) of the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to concur with the recommendation from the Planning Commission for approval with stipulations "a" through "o" as given above.

- 3. S2005-002 District 3**  
Applicant: Stanley Consultants, Inc. on behalf of Anthem Arizona, LLC  
Location: Northwest corner of Gavilan Peak Parkway & Venture Drive (in the Anthem area)  
Request: Final Plat in the R-3 RUPD zoning district for Anthem Unit 101 (21.24 gross ac.)

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the final plat.

- 4. S2004-091 District 4**  
Applicant: DEI Professional Services on behalf of Pulte Homes  
Location: North of Deer Valley Road and west of the proposed El Mirage Road alignment (in the Sun City West area)  
Request: Final Plat in the R1-6 RUPD zoning district for Corte Bella Country Club, Unit L (43.25 gross ac.)

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to approve the final plat.

**REGULAR AGENDA DETAIL:**

- 5. Z2004-114 District 4**  
Applicant: Withey, Anderson & Morris, PLC  
Location: Southeast corner of Jackrabbit Trail and Indian School Road (in the Buckeye area)  
Request: Rezone from Rural-43 to C-1 CUPD with a precise Plan of Development - Jackrabbit Corner (approx. 14 acres)

**COMMISSION ACTION:** Commissioner Clayburg moved to recommend approval of Z2004-114, subject to the following stipulations "a" through "s". Commissioner Jones seconded the motion, which passed with a majority vote of 6-2, with Commissioners Pugmire and Smith dissenting due to the sewer being too speculative for commercial development.

- a. Development of the site shall be in substantial conformance with the zoning exhibit entitled "Jackrabbit Corner", consisting of five (5) full-size sheets, dated revised May 16, 2005, and stamped received May 27, 2005, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled "Jackrabbit Corner", consisting of 36 pages including exhibits, dated revised May 26,

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2005, and stamped received May 27, 2005, except as modified by the following stipulations.

- c. Development of the site shall be in substantial conformance with the landscape plan entitled "Landscape Concept", consisting of two (2) full-size sheets, dated revised March 23, 2005, and stamped received May 27, 2005, except as modified by the following stipulations.
- d. Development of the Walgreen's Drugstore, as well as Phases II and III, shall be generally consistent with the site plan referenced in stipulation "a" above and shall observe all applicable requirements of the C-1 CUPD zoning district. Development of Phases II and III as shown on the site plan (all areas other than that included within the Precise Plan of Development area on the site plan), shall not occur until a Precise Plan of Development is approved by the Board of Supervisors.
- e. The entire site shall be subject to a Commercial Unit Plan of Development (CUPD) Overlay Zone. The CUPD will allow the applicant to deviate from C-1 zoning district development standards as laid out in the CUPD chart:

<b><u>Development Standard</u></b>	<b><u>C-1 Requirement</u></b>	<b><u>Proposed CUPD Standard</u></b>
Building Height	30 feet (2 stories)	40 feet (2 stories)
<u>Setbacks</u>		
Front	25 feet	25 feet
Rear	25 feet	25 feet
Side	10 feet	10 feet
Street-Side Yard	10 feet	10 feet
Lot Coverage	60%	60%
Lot Area (minimum)	6,000 Sq. Ft.	6,000 Sq. Ft.
Parking	Per Section 1102	Per Section 1102
Lot Width	60 Feet	60 Feet
Screening	6 Foot Solid Wall	<b>8' solid wall (eastern and southern property lines)</b>
<u>Signage</u>		
Freestanding		<b>9 signs (Total)</b>
Number of Signs	7 (per section 1404.4.2)	<b>847.5 square feet</b>
Maximum Area	840 square feet	<b>4 Type "A" @ 102.5 sq. ft.</b>
Wall Signs		<b>1 Type "B" @ 117.5 sq. ft.</b>
Maximum Area		<b>4 menu boards @ 80 sq. ft.</b>
(Walgreens only)*		
	435 sq. ft. (15% of one wall per section)	340 sq. ft.

\* Wall signs on other buildings will be as per the MCZO

- f. One (1) trash enclosure shall be provided for Phase I.
- g. Development of all phases will be contingent upon obtaining sewer services prior to zoning clearance or annexation into the Town of Buckeye.
- h. The following stipulation relating to Flood Control District of Maricopa County shall be met:

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- After zoning approval but prior to any development, a drainage clearance in conjunction with a building permit must be obtained from the Maricopa County Planning & Development Department.
- i. The following Maricopa County Department of Transportation (MCDOT) stipulations shall be met:
1. Dedication of additional rights-of-way to bring the total half-width dedication to 70' for Indian School Rd. and 70' for Jackrabbit Tr. shall occur within 6 months of approval of this request by the Board of Supervisors, and prior to zoning clearance.
  2. Development of the site shall include half-street improvements (including paving, gutter and sidewalk) to ultimate width for Indian School Road and Jackrabbit Trail along the perimeter of the site. (Jackrabbit Trail improvements should be consistent with "Jackrabbit Trail Corridor and Access Control Study" dated January 2001).
  3. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from MCDOT for landscaping or off-site improvements within county right-of-way (pavement, curb, gutter and sidewalk).
  4. Comply with all recommendations in MCDOT-approved Traffic Impact Study (TIS).
  5. If streetlights are provided, installation shall be at the Developer's expense. If streetlights are within public rights-of-way, a Street Light Improvement District of comparable authority must be established to provide operation and maintenance. Developer should contact the Office of the Superintendent of Streets to initiate the Improvement District process.
- j. The following Maricopa County Environmental Services Department (MCESD) stipulations shall be met:
1. Development of all phases are contingent on the issuance of Approvals to Construct for a public sanitary sewer system that will service the entire project.
  2. Certificate of Occupancy will not be issued for all phases until the public sanitary sewer system serves the site and is in operation.
- k. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- l. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted.
- m. An archeological survey shall be submitted to and approved by the Arizona State Historic Preservation Office prior to issuance of a zoning clearance. The applicant must contact the State office prior to initiating disturbance of the site. The applicant shall provide the Planning and Development Department with written proof of compliance with this stipulation.



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- n. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- o. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- p. Major changes to the zoning exhibit and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the project may require a new Citizen Participation Process as determined by the Planning and Development Department.
- q. Noncompliance with the conditions of approval will be treated as a violation in accordance with Chapter 14 (Violation and Penalty) of the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).
- r. Development of Phase I shall be limited to two (2) access points and shall not include the southern and eastern most access points as shown on the site plan.
- s. Approval of this zone change shall be conditional pursuant to Article 304.6 of the Maricopa County Zoning Ordinance for a period of three (3) years from the date of approval by the Board of Supervisors. This zone change shall be scheduled for public hearing by the Board of Supervisors, upon recommendation by the Planning and Zoning Commission, for consideration of reversion of all phases to the former Rural-43 zoning classification.

Darren Gerard outlined the Commission action on this item. Mr. Gerard said there were some neighborhood oppositions. There were no speakers.

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (4-0-1) to concur with the recommendation from the Planning Commission for approval with stipulations "a" through "s" as given above.

- 6. Z2005-016 District 1**  
Applicant: Withey, Anderson & Morris, PLC  
Location: Northeast corner of Val Vista Drive and Germann Road (in the Gilbert area)  
Request: Rezone from Rural-43 to C-1 PD with a precise Plan of Development - CVS Pharmacy (approx. 4 acres)

**COMMISSION ACTION:** Commissioner Pugmire moved to recommend approval of Z2005-016, subject to the following stipulations "a" through "o". Commissioner Smith seconded the motion, which passed with a unanimous vote of 8-0.

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- a. Development of the site shall be in substantial conformance with the zoning exhibit entitled "CVS Pharmacy," consisting of two (2) full-size sheets, dated June 13, 2005, and stamped received June 22, 2005, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled "CVS Pharmacy", consisting of five (5) pages, dated revised June 15, 2005, and stamped received June 22, 2005, except as modified by the following stipulations.
- c. Development of the site shall be in substantial conformance with the landscape plan entitled "Preliminary Landscape Plan", consisting of one (1) page, dated (revised) May 13, 2005, and stamped received May 18, 2005, except as modified by the following stipulations.
- d. Development of the CVS Pharmacy, as well as Phase II, shall be generally consistent with the site plan referenced in stipulation "a" above and shall observe all applicable requirements of the C-1 PD zoning district. Development of Phase II as shown on the site plan (all areas other than that included within the Precise Plan of Development area on the site plan), shall not occur until a Precise Plan of Development is approved by the Board of Supervisors.
- e. Development of all phases will be contingent upon obtaining sewer services prior to zoning clearance and/or annexation into Town of Gilbert.
- f. The following Maricopa County Department of Transportation (MCDOT) stipulations shall be met:
  - 1. Provide a total half-width of 70 feet right-of-way on Val Vista Drive.
  - 2. Provide a total half-width of 70 feet of right-of-way on Germann Road.
  - 3. Construct ultimate half-width improvements, including pavement, curb, gutter and sidewalk for perimeter roads. Development is responsible for relocation of existing well.
  - 4. Development shall comply with all recommendations in traffic review comments dated June 17, 2005 for Traffic Impact Study.
  - 5. If streetlights are provided, installation shall be at the Developer's expense. If streetlights are within public rights-of-way, a Street Light Improvement District or comparable authority must be established to provide operation and maintenance. Developer should contact the Office of the Superintendent of Streets to initiate the Improvement District process.
  - 6. Landscaping shall confirm to Chapter 9 of the MCDOT Roadway Design Manual. Maintenance of landscaping within public rights-of-way shall be the responsibility of the applicant.
- g. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- h. All signage shall conform with the Maricopa County Zoning Ordinance requirements for the C-1 zoning district.
- i. All transformers, back-flow prevention devices, utility boxes and all other utility related ground mounted equipment shall be painted to complement the development and shall

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be screened with landscape material where possible. All HVAC units shall be ground-mounted or screened from view.

- j. An archeological survey shall be submitted to and approved by the Arizona State Historic Preservation Office prior to issuance of a zoning clearance. The applicant must contact the State office prior to initiating disturbance of the site. The applicant shall provide the Planning and Development Department with written proof of compliance with this stipulation.
- k. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- l. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- m. Major changes to the zoning exhibit and narrative report shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the project may require a new Citizen Participation Process as determined by the Planning and Development Department.
- n. Noncompliance with the conditions of approval will be treated as a violation in accordance with Chapter 14 (Violation and Penalty) of the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with Chapter 3 (Conditional Zoning).
- o. Approval of this zone change shall be conditional pursuant to Article 304.6 of the Maricopa County Zoning Ordinance for a period of three (3) years from the date of approval by the Board of Supervisors. If a zoning clearance has not been obtained for the site, this zone change shall be scheduled for public hearing by the Board of Supervisors, upon recommendation by the Planning and Zoning Commission, for consideration of reversion of all phases to the former Rural-43 zoning classification.

Darren Gerard outlined the Commission action on this item. There were no speakers.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to concur with the recommendation from the Planning Commission for approval with stipulations "a" through "o" as given above.

- 7. Z2004-130 District 4**  
Applicant: Infranext for AT&T Wireless  
Location: Northeast corner of Thunderbird Boulevard. and 103<sup>rd</sup> Avenue (in the Sun City area)  
Request: Special Use Permit (SUP) for a wireless communications facility – new 63' tall flagpole with equipment building in the Rural-43 zoning district, Cellular Use District 1 – AT&T Wireless Communication Facility (approx. 0.01 acres of a 3.83 acre site)

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**COMMISSION ACTION:** Commissioner Clayburg moved to recommend approval of Z2004-130, subject to the following stipulations "a" through "n". Commissioner Munoz seconded the motion, which passed with a unanimous vote of 8-0.

- a. Development of the site shall comply with the site plan entitled "AT&T Wireless Services Special Use Permit Lakeview United Methodist Church Flagpole Cell Site", consisting of five (5) sheets, dated (revised) July 1, 2005 and stamped received July 7, 2005, except as modified by the following stipulations.
- b. Development of the site shall be in conformance with the narrative report entitled "Lakeview United Methodist Church P420B Cell Site", consisting of six (6) pages, dated May 9, 2005, and stamped received June 29, 2005, except as modified by the following stipulations.
- c. The height of the wireless communication facility shall be limited to 63'.
- d. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- e. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- f. Prior to zoning clearance, developer(s) and/or builder(s) shall establish emergency fire protection services, covering all real property contained within the project area during course of construction and shall obtain a 'will serve' letter substantiating coverage from the appropriate Fire Department servicing the site.
- g. Prior to construction of the equipment enclosure, a drainage clearance must be obtained from the Maricopa County Planning and Development Department (MCP&D). A site plan containing (at least) wall detail, proposed grading, finished floor elevation, and at least two (2) cross sections through the site that shows both existing and proposed grade must be prepared by an Arizona Registered Professional Engineer and submitted to MCP&D prior to approval. The site plan must also contain any additional information as outlined in the Drainage regulations for Maricopa County, sections 601, 603, and 901.
- h. Future co-location will require a major amendment to enlarge the Special Use Permit (SUP) area for placement of the equipment associated with co-location of new antenna on the flagpole.
- i. It shall be the responsibility of this provider to assure future antenna and wiring associated with the co-location of any wireless communication facility shall be incorporated entirely within the flagpole.
- j. This Special Use Permit shall expire 25 years from the date of approval by the Board of Supervisors, or upon expiration of the lease to the applicant, or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration.

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- k. The applicant shall submit a written report outlining the status of the development at the end of five (5) years from the date of approval by the Board of Supervisors. The status report shall be reviewed by staff to determine whether the Special Use Permit remains in compliance with the approved stipulations.
- l. Major changes to the Special Use Permit shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department. Major changes to the Special Use Permit may require a new Citizen Participation Process as determined by the Planning and Development Department.
- m. Noncompliance with the conditions of approval will be treated as a violation in accordance with Chapter 14 (Violation and Penalty) of the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- n. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation, Drainage Review Division, Planning and Development Department, or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.

Darren Gerard outlined the Commission action on this item. Mr. Gerard indicated that there was no known opposition. There were no speakers.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (4-0-1) to concur with the recommendation from the Planning Commission for approval with stipulations "a" through "n" as given above.

**MEETING ADJOURNED**

There being no further business to come before the Board, the meeting was adjourned.

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Max W. Wilson, Chairman of the Board

ATTEST:

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Lori Pacini, Deputy Clerk of the Board